

Diotrephes Catechised:

OR

Sixteen IMPORTANT QUESTIONS

Touching the *ECCLESIASTICAL*

Jurisdiction and Censures (contradistinct to Civill) now eagerly pretended to and challenged by a *DIVINE Right*, by some *Over-rigid Presbyterians*, and *Independents*. Propounded to both these *Dissenting Parties*, for the further Discovery of Truth; the Preservation of the *Civill Christian Magistrates Interest*, and Speedier comprising of our present unhappy Controversies touching

CHURCH-Government: On which many now so over-dote,

as to place the *Whole Kingdome of Christ and substance of*

Religion therein; to repute all our former *Reformation*, a mere

Nothing, the *Church of Christ* undone, and the exercise of their

Ministry, not only fruitlesse but unlawfull, so as they

cannot with good *Conscience* continue, but threaten

to relinquish it in case they cannot obtain their

demands of such an *Exorbitant power*, by

Divine Institution, which *Christ* and his

Apostles never claimed, exercised, nor

themselves, nor *Predecessors*, ever for-

merly enjoyed, petitioned for, or

pretended to in any age,

but this.

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Lu. 22. 24. 25. 26. Math. 20. 25. 26. 27.

And there was a strife among them, which of them should be accounted the *Greatest*.

But *Jesus* called them unto him and said; ye know, that the *Princes of the Gentiles Exercise Lordship* (or *Dominion*) over them, and they that are great exercise *Authority* upon them; But it shall not be so among you; But whosoever will be *Great* among you, let him be your *Servant*; Even as the *Sonne of man* came, not to be *Ministred unto*, but to *Minister*.

Mat. 23. 2, 3, 9. Feed the flock of God which is among you, taking the oversight, (or care) thereof, not by constraint, but willingly; nor for filthy lucre, but of a ready mind. Neither as over-ruling, (or being Lords over) Gods Heritage, but being examples to the flock, Yea all of you, be ye subject one to another, and be clothed with humility; for God resisteth the Proud, and giveth Grace to the humble.

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QUESTIONS

TO ANSWER THE MOST IMPORTANT

QUESTIONS OF THE DAY

AND TO SHOW THE

REASONING OF THE

WISDOM OF THE

LEGISLATURE

IN THE

MANAGEMENT OF

THE

FINANCIAL

AND

COMMERCIAL

INTERESTS

OF THE

EMPIRE

IN THE

PRESENT

STATE OF

THE

REPUBLIC

OF THE

UNITED STATES



Sixteene Important Questions touching the Ecclesiasticall Jurisdiction and Censures,

Contradistinct to *Civill*, now challenged
by a *Divine Right*.



HE serious consideration of the importunate *Claimes* of a new
kinde of *Ecclesiasticall Jurisdiction*, by a pretended *Divine*
Right, by those very men who of late so eagerly declaimed
against the *Old*, as *Antichristian* and *Papall*, when
challenged by our *Prelats* upon the selfe-same grounds and
Title, hath induced me to propound these few Important
Questions to the over-eager prosecutors of this supposed *Divine Authority*,
at leastwise to moderate, if not extinguish those unreasonable deplorable late
kindled flames of *Contention*, which if not timely prevented may prove more
fatall to our *Churches*, *Kingdoms*, then all the former *Dissentions*, and break
forth into a new *Civill Warre*, betweene our selves, when we have rotally
vanquished the *Common Enemy*. The *Prelates* deserting of their undoub-
ted *Jus huminum*, and unadvised challenge of a *Ius Divinum* to advance,
perpetuate their *Jurisdictions*, and sweating men to this their *Title* by a
new, &c. Oath, was the immediate forerunner, yea principall meanes of the
utter subversion both of their *Hierarchy* and *Authority*. And wee have
cause to feare that some over-ridged *Presbyterians* inconsiderate zeale, in
waving the *Presbyteriall Authority* vested in them by an unquestionable
Ordinance of Parliament (to their full contents as most men deemed;) and
resorting to a more dubious disputable (pretended) *Ius Divinum* (formerly
laid aside by both houses of *Parliament* and the *Assembly*, though now re-
sumed, revived,) the more highly to advance and firmly settle it in our
Churches, may produce the like contrary unexpected effects: and either re-
vive the old exploded *Luciferian Episcopacy*, or introduce that more feared
Anarchicall Hydra or *Bable of Independency*, which they most endeavour
to suppress: or at leastwise revolve the censorious or corrective power of all
scandalous sinnes and sinners into the *Civill Majestates hands*, the farre safest
of the three: on whose behalfe, I shall with the spirit of *Peace* and *Meek-
nesse* propose these following *Queries*, both to my *Presbyterian* and *Inde-
pendent Brethren*; desiring their acquiescens in, or serious answers to them
after sound deliberation, laying aside all private Interests and designs,
whatsoever, which may misguide their Judgements) for the sifting out of
that one Golden medium of sacred Truth, which can only reconcile and
cordially re-unite us in the Bonds of Love.

1. Whether all scandalous Sins and Offences now pretended by *Presbye-
rians* or *Independents* to be of *Ecclesiasticall cognisance*, be not by Gods own
Institution

(a) Lev. 20. Institution and Command, as well before, as under the Law, and through
 20.8. Deut. out the *Old Testament*,] inquirable, examinable, and to be determined,
 13.4.10.18.c. In 'ged only by the *temporall Majestrates*, or *Civill powers*, and punished
 17.2.10.8.10. only with temporall or corporall punishments, not by any *Ecclesiasticall*
 21.10.10.34.2 *Persons, Officers*, or Church-Censures oniy, distinct from civill; since, we read,
 Chron. 23.17. that the severall scandalous sinnes of (a) *Idolary*, (b) *Cursing*, *Blaspheming*,
 15.13. Iudg. 6. (c) *Sabbath-breaking*, (d) *Disobedience to Parents naturall or civill*, (e) *Whore-*
 30.31.1. King dome, *Adultery* (f) *Incest*, *Rape*, *Sodomy*, *Buggery*, (g) *Murther*, (h) *Witchcraft*,
 18.40.2. King Sorcery, with sundry other sinnes, were by Gods owne precept, to be inqui-
 10.20.10.29.c. red after, censured, punished by the *Temporall Majestrie*, *civill Congre-*
 11.18. gation, powers People and only, with civill punishments alone, as putting or
 (b) Exod. 21. stoning to death, burning, [i] hanging [k] fives, stripes and the like, but never en-
 17. Levit. 20. joynded to be examined, censured by Ecclesiasticall Persons, Officers or to be
 9.c.24.10.10 punished by them with Church-censures, as Excommunication, Suspension
 17.1. Kings from the Paschever, Circumcision, Sacrifices, Festivalls, or any
 24.10.10.16. publike Ordinances then in use, or exclusion from the Temple or Syna-
 Dan. 3.29. gogues, as the marginall texts demonstrat. And more especially Ezra. 7.
 Mar. 26.65. 25.26. where King *Artaxerxes* sending Ezra the Priest (descended lini-
 (c) Exod. 21. ally from the *High-Priests* before him, as is evident by v. 1. to 6) up to *Jeru-*
 14. Num. 15. salem, with a speciall Commission to repaire the City, Temple, restore the ser-
 32.10.37 vice of God therein, and settle the Government of that place according to
 (d) Exod. 21. the Law of God, gives him this command: And thou Ezra, after the
 15.17. Levit. wisdom of thy God, that is in thine hand, set *Majestrates* and *Judges* that may
 20.9. Deut. 22 judge ALL THE PEOPLE that are beyond the River, all such as know the
 18.19.20. Iosh. LAW OF THY GOD, and teach ye them that know them not: AND
 1.18.1. Sa. 11. WHOSOEVER WILL NOT DO THE LAW OF THY GOD, and
 12. Ezr. 7.25. the Law of the King; let Judgement be executed speedily against him, (not by
 26. Ezra the Priest, or any Ecclesiasticall Consistory or Presbytery of Priests,
 (e) Gen. 26.11 with meere Ecclesiasticall Censures of Excommunication or suspension
 c.38.24.25. from the Temple, or publike Ordinances of God, no such Church-Offi-
 Levit. 20.10. cers, punishments being then known, or instituted by Gods Law; but by the
 15.17.18. *Majestrates* and *Judges* appointed, who were to punish them only with
 Deut. 22.22.10 temporall Censures as the following words thus resolve *Whether it be unto*
 25. Levit. 18.6. DEATH, or to BANISHMENT, or to CONFISCATION OF GOODS
 10.30.c.21.9 or to IMPRISONMENT: the only punishments, censures then inflicted
 John 8.4.5. on Delinquents against Gods Law, as well as against the Kings: Yea had
 (f) Levit. 18. there bin any other Censures Ecclesiasticall distinct from these temporall,
 22.10.30.c.10. which ought by any Divine Right or institution to have bin then inflicted
 11.10.22. upon notorious scandalous offenders against Gods Law, by the *high Priest*,
 Exod. 22.19. or any other Church Officers or Iudicatory, no doubt this devout King
 Iudg. 20.1.10 upon this occasion would have expressly commanded Ezra the Priest him-
 15. selfe, or those Church-Officers or Judicatories to have duly executed the
 (g) Gen. 9.5.6 same, when he gave him this large Commission, and extended so much ex-
 Exod. 21.12. traordinary favour to him, that he cryes out in the very next ensuing
 13.14. Levit. words. v. 27. *Blessed be the Lord God of our Fathers, who hath put such a*
 24.17. Num. thing as this into the Kings heart, &c. Which as it expressly determines, that
 35.15.10.34.1 this
 King. 2.32.1035
 (h) Levit. 20
 27. Deut. 18.
 11.1. Sam. 28.
 9.1. Deu. 21.22
 (i) Deut. 21.28
 19.29. c.25.23
 2. Cor. 11.23.
 24.5.6.5.
 Deu. 12.47.48
 Acts 16.22.23

this Commission, and forecited direction was inspired into the Kings heart by God himselfe, and so most consonant to his written word and Law: so it insinuates, that by the Law of God in those dayes, all scandalous Offenders against Gods Law were to be punished only by the civill Majestrates and Judges with civill punishments, not by any Ecclesiasticall Officers, or Iudicatory, with any Church-censures whatsoever. This may be further evidenced by the Priests, Prophets, Peoples, and Princes proceedings against *Jeremiah*, & *Vriah*, who for preaching and prophecyng falsely, (as was supposed) were punished by the King, and Princes, upon the Priests, Prophets, & Peoples malicious accusation only by Imprisonment & Death alone, not by Church-censures, Church Iudicatories: Yea *Deuter.* 13.5. *False Prophets* are expressly enjoyned to be put to death by the Civill Majestrates, not punished by the Ecclesiasticall powers with excommunications or suspensions. And it is most cleare and undeniable by the 1 King 22. 26. 27. 2 *Chron.* 16. 10. c. 18. 25. 26. *Mach.* 14. 3. 4. 5. *Luk.* 22. 23. *Acts* 5. 18. 19. c. 8. 3. c. 12. 2. 3. 4. c. 16. 23. 24. c. 22. 19. 20 to 30. c. 24. & 25. & 26. 2 *Cor.* 5. 5. *Hebr.* 11. 36. 37. That both in the old and new Testament *False Prophets, Teachers and breachers of Erronious Doctrins*; (or such who were so-reputed though true) yea the *Apostles & Saints of Christ*, for preaching, professing the Gospel and truth of God, amongst the *Jewes* and others who reputed it *Heretic, Scisme, or false Doctrine*, contrary to what they had formerly received, were usually convened before the civill Majestrates, and punished with imprisonment, stripes, putting or sending to death, and the like, but not with Excommunication, or any Ecclesiasticall Censures of divine institution though now made matters of meere Ecclesiasticall Cognizance. And if so; whether the Temporall Christian Majestrates and civill Powers, as such, have not now the selfsame divine Authority to punish such sinners and sinners under the Gospel, only with temporall punishments, without the interposition, Examination or Censures of any Church-Officers or Presbyteries, as the Godly temporall Majestrates & Civill powers had then under the Law? If not, how the contrary can be evidenced by cleare Scriptures, and by what texts in particular?

2. Whether the texts of *Deut.* 17. 8. to 14. & 2. *Chron.* 19. 8. 10. the ends do warrant any Ecclesiasticall Jurisdiction, Congregationall or Classicall in Causes meere Ecclesiasticall, or any meere Church censures, distinct from the Civill Magistracy, and temporall Censures, as some new pretend? Whether the genuine scope and sence of these texts, hold forth any more or other jurisdiction and power in the Priests, Levites, or High Priest himselfe, then this: That they joyntly with the temporall Judges, and chiefe of the Fathers of Israel [not alone by themselves] should resolve (not ordinary plaine, or undisputable, but only) all such doubtfull, civill cases or controversies which the ordinary Judges or Magistrats in their Cities held dubious, or too hard for them to determine aright, between [not scandall and scandall, nor who should be excommunicated, suspended from the Ordinances as scandalous, ignorant or unfit, and who not] but between blood and blood, plea and plea, stroke and stroke, (being matters of civill controversie) in their gates; and between Law and Commandment, Statutes and Judgments, [to wit the Judiciall written Law of God] upon whose exposition any civill doubts, or controversies should arise

* *Jer.* 16
throughout c.
19, 26, c. 31.
33, c. 37, 18, 19.
c. 38, & 39

* *Acts* 14, c. 24.
c. 28, 22

* Deutr. 17, 11
12

arise which the people themselves could not resolve,] whose superior resolutions they should submit to, and proceed accordingly to execution; and he that would presumptuously disobey and not submit to their sentence, was not to be excommunicated or suspended, * but put to death; (a meere civill censure) to terrify others. And if this only be the full sense and meaning of these texts, whether any episcopall, Presbyteriall, clauical or congregational Jurisdiction to correct scandalls with meere Ecclesiasticall censures can be deduced from them? Whether that speech of Iehoshaphat 2.Chron.19.11. *And behold Amariah the Chiefe Priest is over you in all matters of the Lord* (not scandalous sinnes and Ecclesiasticall Offences committed by the Priests or people, no matters of the Lord, but sins of men, detested by the Lord; simply or necessarily enforce, that he had any Ecclesiasticall Jurisdiction in point of judicature, to censure, punish all or any sort of scandalous sinners with Church censures [of which there is not one syllable in the text] vested in him by any divine Authority? And if so, whether it makes not more for Papall and Archiepiscopall, then Presbyteriall, Clauical, or Congregationall Authority? this power or superintendent Jurisdiction over all matters of the Lord, being vested in this High Priest alone, and no other. Or rather, whether it be not clearly meant, that as King Josiah himselfe did by his own Regal Authority appoint Iudges in the Land and in Jerusalem, in the preceedings 5.6.7.8.9.& 10. verses, to determine all controversies & punish all Offences whatsoever, according to the Lawes of God and that Kingdom; so he did by the selfesame regall Authority appoint Amariah, then chief Priest, over the Priests & Levites only, [implied in the word *You*, not over the people of the Land] in all matters of the Lord, that is to Order, direct the Priests and Levites under him in their severall courses, and all matters whatsoever concerning the worship, service, Oblations, and sacrifices of the Lord, to be performed by them in the Temple at Jerusalem: in the selfesame manner, as he set Zebadiah the Ruler of the House of Judah, over all the Kings matters; in the very next ensuing words? That is, (as all consent,) not over the people and Kingdome for to judge and governe them, for that the Iudges forementioned were to do; but over his household, Lands, Revenews as his Lord Treasurer, or Lord High Steward of the Revenews of the Crowne, as the comparing of it with 1 Chron. 26.30. 33. (*And of the Hebronites, Hashubiah and his Brethren, men of valour a thousand and seven hundred were Officers among them of Israel on this side Jordan westward IN ALL BUSINESSES OF THE LORD, & in the service of the King, &c. And his Brethren, men of Valour were two thousand seven hundred chiefe Fathers, whom King David Made Rulers over the Rubenites, Gadites, and the halfe Tribe of Manasseth, for EVERY MATTER PERTAINING VNTO GOD and Officers of the King, joyntly: (therefore Church Officers made only by the King, and alterable at his pleasure, not by any Divine institution of God himselfe;) and the parallel. ling it with these explanatory texts, 1 Chron. 9.10. to 35.c.23.& 24.& 25.& 26. 2 Chron. 3.7. to 14.c.8. 14. 15.c.13.9.10.11. 12.c.26.16.10 21.c.29.3.10 35.c.30. 26.c.31.2.3.11. to 20.c.35.2. 22. Ezra. 6.37.18. Neh. 12.47. to 47. compared*

compared with *Heb. 5.1.2. For every high Priest taken from among men, is ordained for men* IN THINGS PERTAINING TO GOD; *that he may offer both gifts and sacrifices for sinnes, &c.* infallibly demonstrate? And if so, then what Divine warrant is there from hence for any such Ecclesiasticall Jurisdiction distinct from the Temporall as many now contend for, from these two noted Texts? or for any Priests, Ministers of the Gospell, or Church Officers distinct from the temporall Majestray, to examine, correct any scandalous Offences by a meere Ecclesiasticall power, or to punish them with Church Censures, different from civill punishments?

3. Whether the Priests Jurisdiction to judge of [l] all causes of Leprosie (no scandalous sin nor offence, but a meere naturall infirmity,) and that only among the *Jewes*, yea as well in *Houses, Garments, Vessells*, [no subjects of Ecclesiasticall censures] as *Persons*: or their proceedings in the case of [m] *Jealousie*, by vertue of expresse speciall Leviticall or Judiciall Lawes (the only cases wherein the Priests were appointed to be as Judges in the old Testament, whose proper Office was, [n] *to offer sacrifices and make attonement for sinnes, not to censure or punish them*;) bee any infallible proove of the Aaronicall Priests or Presbyteries Ecclesiasticall Inducature or Jurisdiction to censure all spirituall Leprosies of the soule with Church censures? Or of the Ecclesiasticall jurisdiction of Presbyteries or Independent Congregations to judge or censure all causes of spirituall Leprosie, or scandalous offences under the Gospell? And whither wee may not as soundly argue from the Writ. * *De Leproso amovendo*; and the Statute of 1 *lac.* chap. 31. as they from these Texts; *Majors, Bayliffes of Townes, Justices of Peace, Constables and other Officers may lawfully remove Lepers, and shut up persons infected with the Plague of Pestilence, Ergo*, they may excommunicate and suspend from the Sacrament all such as are scandalously or notoriously infected with the Leprosie and plague of sin?

4. Whither, *Dent. 13.12,13,14. Josh. 22.10. to 34. Judg. 20.1. to 18. 2 Chron. 19.9.10.11. Ezra 10.16,17.* [where we read of temporall Officers, Princes sent and employed Commissioners, as well as Priests, to inquire after Idolaters, Idolatry, rapes, marriages with heathenish Wives, and other Ecclesiasticall crimes] compared together, bee not a stronger Scripture evidence for proove of the Parliaments, and *Lay-Commissioners* Authority, to enquire after, yea punish *Idolaters* and *scandalous sinners*; then any texts that can bee produced by the *Presbyterians* or *Independents* out of the Old Testament for probat of a divine right, either in their *Classes, Presbyteries or Independent Congregations* to censure scandalous sins and sinners with Ecclesiasticall censures? And whither the *Statutes of 26 Hen.8. cap.1. 31 Hen.8. c.10. [appointing a Lay Vicegerent in all Ecclesiasticall matters] 37 Hen.8. c.17. 1 E. 6. c.2. 1. Eliz. c.1.* do not justifie such Commissioners to be legall as well as these texts, warrant them to be in some sort divine?

5. Whether there bee any precept or president in all the Old Testament directly or punctually determining, that there was by divine institution on an unquestionable Ecclesiasticall jurisdiction vested by God Himselfe in Priests, Levites, or any Jewish Officers, to examine witnesses upon Oath,

convent

(i) Lev. 17.
& 14.

(m) Numb. 5.
12. to 31.

(n) Exod. 30.
10. Leu. 4. and

5. c. 6. 7. c. 7. 7.
8. Num. 8. 19

21. c. 15. 25, &c
Hebr. 5. 1, 2, 3.

* Reg. 1. f. 267.
Ffr. Mat. Bre.
f. 234.

convent or censure any scandalous sinners by excommunication, or suspension of them from the Tabernacle, Temple, publike Assemblies, Synagogs, Sacrifices, Solemne publike Festivalls, or other sacred Ordinances for any scandalous sin whatsoever? If so, then what are these precepts, prebends, and scandalous sins in particular? And whether it be probable they had any direct authority given them by God himselfe, to suspend or put backe any from the Sacraments of Circumcision, or the Pascheover (which Baptisme and the Lords Supper now succeed) since both of them originally were ordered to be performed in private, by the [o] *Parents or Masters of the Family*, not Priests or Levites; and executed or eaten by them in their

(o) Gen. 17.
20. to 28. c. 21.
4. c. 24. 22. 23.
24. Exod. 12.
48. c. 4. 24. 25.
26. Luk. 2. 22.
Iohn. 7. 22.
Iohn. 10. 23. 7.
Ag. 7. 8.

(p) Exod. 12.
9. 4. 15. 27. 40.
to 46. Mat. 26.
17. to 26. Mar.
14. 12. to 19.
(q) 1 Chro. 37.
13. 10. 21. c. 35.
1. to 30. Ezra.
6. 18. to 22.
2. Cor. 10. 1. to
3. compared
together.

* See Question 1. in the Margin.

(p) severall private houses, where the Priests and Levites had no Ecclesiasticall jurisdiction that we read of, and were not present at these sacred actions unlesse onely at some few solemne generall Pascheovers at *Ierusalem*, where they were but *Ministeriall*, to [q] *helpe kill the Pascheover, and sprinkle the blond*, not *Magisteriall*, to keep any backe from eating thereof, by any pretext of Ecclesiasticall Authority?

6ly. Whether Ministers or Presbyteries under the Gospell, have any other or greater Ecclesiasticall jurisdiction then the Jewish High Priest, Priests, and Levites had under the Law? And whither Christian Kings, Magistrates have not as large an Ecclesiasticall power and Authority under the Gospell, as any godly Kings or Magistrates exercised under the Law? If you answer Negatively to the first, and affirmatively to the latter of these demands; then how can that Ecclesiasticall jurisdiction of Presbyteries or Congregations, and their power of Church-censures, distinct from the civill Magistracy, be any way justified or maintained by the Scripture? If affirmatively in the first, and Negatively in the latter, then shew us direct Scripture Authorities to convince our judgements of what you thus assert, or else give over your pretence of *Ius divinum*? It is confessed both by the *Presbyterians, or Independents*, and cleare by sundry* *expresse texts*, that Christian Majestates are *Jure divino*, and have an undoubted divine Authority, yea command to punish and cut off all scandalous sinners, *Psal. 100 5, 7, 8. Rom. 13. 1. to 8. Pro. 20. 26.* Whether *Presbyteries, or Independent Congregations*, have any divine Ecclesiasticall right to punish them with Church censures, is very disputable and denied by many. Therefore it is the safest, readiest way to Unity and Reformation, to remit the punishment of all scandalous offences to the civill Magistrate, rather than to the pretended disputable questioned authority of Presbyteries, Classes, or Independent Congregations.

7ly. whether there be any expresse texts in all the New Testament, and what in particular, which infallibly evince an Ecclesiasticall jurisdiction by divine right to be setled by Christ in all Christian Ministers, Presbyteries, or Congregations, & in which of them in particular, to continue unalterably in all Churches of Christ to the end of the world, for the excommunication or suspension of all kinds of scandalous persons from the Sacrament, though they externally pretend and profess their sincere repentance in general? Or any certaine rules prescribed them in the Gospell, and in what

particular Texts for the due execution of this jurisdiction in * all cases or scandalis that may happen? If not, whether it can probably bee imagined, that Christ in his wisdom would erect, institute and vest an Ecclesiasticall Government in Church officers, without prescribing them any certain rules wherby to manage it in all particulars, and leave them to proceed in an arbitrary way, according to their meer pleasures, contrary to *Mat. 28 19. 20*? If yea, then produce these texts to us for our satisfaction.

8ly. What rules or presidents are there in Scripture to relieve parties grieved by unjust Ecclesiasticall censures either by appeales or other wayes and to what superior Tribunals? If no such rules or presidents appeare therein; (admitting Presbyteries, or Congregations Ecclesiasticall jurisdictions, censures to be *Jure divino*) then whether by Gods own Law which provides them no reliefe, the parties injured must not remain remediless when most injutiously sentenced by any private Presbiterie, Classis, congregation without any help or benefit of Appeale to Provinciaall, Nationall Synods, Parliaments, or the Civill Magistrate? And if so: whether this wil not introduce as many absolute tyrannies, and arbitrary Tribunals, (against which we have so much contested of late) as there are Presbyteries, or Congregations: especially if we grant them a generall power of all things they themselves shall judge to be scandalis, without confining them to particulars, or establish their jurisdictions by a divine right, which no meer humane power or institution can controul?

Ninthly, whither if Christ hath instituted or left any exact Ecclesiasticall jurisdiction, discipline or power of censures to his Church distinct from the civill Magistracy and censures, this pretended jurisdiction, discipline or power be so absolute and sufficient of it self alone, as to be fully able to correct, redresse, reforme all abuses, scandalis, corruptions, and suppress all Heresies, Schismes, Errors, Vices, arising in every Church? If not, then we may justly suspect, it is no reall jurisdiction nor discipline instituted by Christ, *who would [r] institute and bequeath no incomplete, nor imperfect jurisdiction, judicatory, or discipline to his best-Beloved Spouse the Church*: If yea, whither is that jurisdiction now contended for by *Presbyterians* or *Independents*, such? If so, then it is compleate, and every way self-sufficient without the concurrence or assistance of the Christian Magistrate or any temporal authority to assist, maintaine it; or supply its defects: But this none can truly asseert nor asseirme.

For *First*, no *Presbytery*, *Classis*, or *Independent Congregation* hath yet challenged, nor can claim by divine right, any coercive power by way of attachment, imprisonment, or fine, to bring any party or witness sommoned so much as to appeare before them, in case of wilfull neglect or refusal to appeare, or bee examined; to prepare any cause for sentence.

Secondly, In case any Ecclesiasticall Censure of *Excommunication* or Suspension be inflicted by them upon scandalous persons after full hearing, if they absolutely contemne the same or refuse to conformance themselves, or by open violence intrude into the Congregation, Church or force the Minister to give the Sacrament to them though excommunicated or suspended.

* I am confident that there are hundreds of cases in *Summa Angelica*, *Rossella*, *Hospitalis*, *Antonius*, *Corseus*, *Theologia*, and other Canonists Tit. *Excommunication* and others, which will happen in our Presbyteries concerning *excommunication* and suspensions, for the deciding whereof, there is no one rule nor Text in Scripture.

Then how can their proceedings therein be *Jure divino*?

(v) Deut. 22. 4
1 Sam. 22. 31.
Psalm 119. 7.
1 Tim. 3. 17.

Thirdly, In case any *Hereticke, Schismaticke, or prophane person* shall wilfully separate from our Congregations, (as thousands now doe) refusing to communicate with us in any Ordinances, proclaiming us to bee no Churches, and passe a schismaticall sentence of *Non-Communion* with us, by reason of some unjust exceptions or pretences against our Orthodox Doctrine, discipline, or forme of Government; and thereupon refuse to appeare before our Presbyteries, Congregations, or to submit unto their jurisdictions or censures; in all these and such like cases, the pretended divine Ecclesiasticall power, censures of Presbyteries, Classes, or Independent Congregations are at a *Nonplus*, & so defective, invalid of themselves to enforce obedience to such contumacious, or reduce, reclaime such hereticall, schismaticall, or prophane persons from their obstinacy, Heresies, Schismes and neglect of publike Ordinances, that they are enforced to pray in ayde from the *Civill Magistrate by Capias excommunicatum, imprisonments, fines*, or other such civill compulsoy means (the only effectuall course

(*) I am assured a speciall (much desired) active Committee to examine and punish the broachers of new blasphemous, Hereticall Anabaptistickall Errors, and gatherers of

Schismaticall Conventicles, would more suppress them in one month, then all Ecclesiasticall Judicatories in an age. See *Iustinian: Cod. 1.1. Tit. 4.6. 8. & Codex Theod: lib. 16.* Where we find obstinate Hereticks and Schismaticks, by temporall Lawes thus punished and suppressed: 1. They were disabled to inherit by descent, or to purchase any Lands; to buy, sell, make any contract, Will, or take any Legacy: to sue, or to be witnesses in any Court of Justice: to beare any Office, Civill, or Military; to be present at any Councils or elections, or to list themselves Souldiers in the Army, whence they were cashiered when detected to be such. 2ly. Their goods were all confiscated, or went to their next heires that were Orthodox: their persons banished, and in some cases imprisoned and put to death. 3ly. Their hereticall books were prohibited and burnt, the Houses where they kept their Diurnall or Nocturnall Conventicles confiscated, if kept there, with the Owners privy or consent: If by the tenants privy without the Land-lords, if the Tenant were poor; then he was publicly bastinadoed or whipt, if rich then fined; and their Conventicles both in Churches and private places prohibited, suppressed, under severe penalties. By these means and censures alone Heretickes, Heresies, Schismaticks, have always bin suppressed, restrained in former ages; but never by Church censures, which they both derided and contemned. See *Frid: Lindebroegus Codex Legum Antiqu: Leges Wisigothor, lib. 12. Tit. 2. Lex. 2. Neap. 1. Tit. 1. 2. Capital: Karoli & Lud. 1. 5. tit. 183. Pauli Geschimij, Constit: Caroline, Rubr. 3. 4. 5.* with our own Statutes against Reculants, and Hereticks; And these will be the only means to suppress them now.

1oly. Whither *Matth. 18. 15. 16. 17.* (if meant of Christian *Presbyteries* or *Church-officers*, as is pretended, not of the civill Magistracy or Jewish Sanhedrim;) gives any authority to them to proceed *ex officio* against notorious scandalous sinnes [as *Idolatry, Blasphemy, swearing, drunkenness, &c.*]

Sec.) since it speaks not of any publike scandalous offences against God and the Church, but only of private personall * *trespasses* between man and man, to bee proceeded against only upon the voluntary complaint of the party offended, after previous private admonitions, and then reproofes before witnesses, yea, of such offences, *which upon private satisfaction we are to forgive 77. times*, without any publike complaint, or censure, *Luke 17. 3. 4.* Therefore not meant of meer publike scandalles, which no private man can remit, nor no Church or Presbyterie will grant that they ought to bee 77. times remitted one after another, without the least *suspension* or *excommunication*, upon meer externall shewes of Repentance: And whether, *thou hast gained thy brother*, in this Text, be meant properly of gaining him to God by true Repentance, or only unto him who gaines him, by way of reconciliation, and renewing friendship, as the phrase it selfe, compared with *Prov. 18. 19.* intimates.

11ly. Whether, *Acts 15. 1. to 36.* where a *Synod of Apostles, Elders, and Brethren* met together at *Jerusalem*, to debate and resolve a dubious point of doctrine onely about circumcision, without exercising any act of discipline or Ecclesiasticall censure on any scandalous person, be a sound divine Authority, to evidence to any mans conscience, the Divine Right of *Presbyteries, Classes, or Independent Congregations*, to inflict Ecclesiasticall censures upon scandalous Delinquents, or to examine witnesses upon Oath against them, of which there is not one syllable in that Text?

12ly. Whether the precept of *Paul, 1 Cor. 5. 13.* for putting away from among them the incestuous person, written to this particular Church in this one case of Incest onely, against which heinous scandalous sinne, being then under Heathen Magistrates, they could not safely complaine to them of it without great scandal, nor go to Law before them for ordinary just civil things without great offence, as appears by the very next words, *1 Cor. 6. 1. to 9.* when as by the Law of God, had the Magistrates there beene Jewes or Christians, this sinne of Incest was to bee punished by them, not with excommunication or suspension from the Church, but death it selfe, *Leviticus 18. 8. c. 20. 11. 12.* Be any satisfactory or infallible argument for the continuance and exercise of Excommunication, or Suspension from the Sacrament in all Churches of Christ in all succeeding ages in all other cases of sin or scandal, though the Magistrates in them be Christian, and may, yea ought to punish those sinnes with death or other temporall censures, if complained of? Whether those that presse this text, may not as well conclude from the very next words *1 Cor. 6. 1. to 9.* that it is unlawfull for Christians to go to Law before any Christian Judges now, and that they must sue only before Presbyteries or Congregations for meer temporall matters, because *Paul* then commanded the Corinthians, not to go to Law before heathen Judges to prevent scandal, but only in the Church before the Saints, or such Judges as the Church should appoint them? As inferre, that all scandalous persons must be excommunicated and suspended from the Sacrament by Classes Presbyteries, and censured only by them now, not by the Christian Majestrate, because the incestuous Corinthian was then Ordered to

* So this word *Trespas* is used here, and in, *Mat. 6. 14, 15.* *Luk. 17. 3, 4.* *Gen. 31. 36.* *cap. 50. 17. 1.* *Sam. 15. 28.* Though some falsely aver it is never used in Scripture but for a *trespas* or sin against God.

be put away and punished by the Church and Saints of *Corinth*, for want of a Christian Magistrate to punish him with death, or corporall censures? Yea whether they may not as *Logically* and *Theologically* argue from the very next chapter. *1 Cor. 7. 27. where Paul writes thus: I suppose therefore that this is good for the present distresse (or necessity) for a man not to touch a Woman, or marry; Ergo, it is lawfull, yea necessary for Christian men or Women in all ages, Churches of Christ to vow perpetuall Virginity, and not to marry at all, as the Papists thence inferre in defence of their Monks, Nuns, and unmarried Clergy.* A reason from this text, That *Paul* in regard of the *Corinthians* present distresse and necessity for want of Christian Magistrates to punish this incestuous person with death and civill Censures adviseth the *Church of Corinth*, To put away from **AMONG THEMSELVES** that wicked person; [or thing as some read it:] *Ergo* all Ministers Presbyteries, and particular congregations of Christ have a divine inherent Ecclesiasticall right and power in them to punish not only incestuous persons, but all other scandalous sinners with Excommunication, suspension from the Sacrament, & other Church-censures, even when & where there is no such necessity nor defect of Christian Magistrates, but sufficient store of them both able and willing to punish such with civill punishments answerable to their crimes and scandalls? This is all that can be extracted from this text, whereon they most rely; Which must needs bee a grosse inconsequent because no Apostolicall advice to any one particular Church upon a private extraordinary occasion and necessity onely, can or ought to bee a generall binding Law or Institution of Christ to oblige all other Churches whatsoever in the like, or any other cases, where there is no such extraordinary occasion or necessity; As is cleare by one pregnant evidence in the 16. chap. of this very Epistle, c. 1. 2. concerning the Collection then advised to be made for the Saints, by the *Corinthians* every first day of the weeke, or weekly; which being but a particular advice and direction to this Church for that one Collection; is * no binding Law or Rule to all other Churches of Christ strictly to imitate in all their ensuing Collections, as is evident by *Acts 13. 28, 29, 30. 2 Cor. 8. 1. to 21. c. 9. 1. to 15, Rom. 13. 25 26. Phil. 4. 14. to 20.* Else no Church could since appoint any publike monethly Collections on weeke dayes, but onely weekly Collections on the Lords-Day, under paine of transgressing the institution of Christ and this Apostle; which none dare averte: However, since the Apostle writes not here to any *Classis, Presbytery, or Presbyter*, but to the whole Church at *Corinth*; TO PUT AWAY FROM AMONG THEMSELVES, that wicked person: [that is, to seclude him wholly from their Congregation, Church, company, and not so much as to eat with him at their Tables or keepe any company with him at all, as is evident by ver. 7. 9. 11.] not to suspend him onely from the Lords Supper [of which there is not one syllable in this Chap. nor of any such suspension in the 10. & 11 chap. where he purposely treats of this Sacrament; we may very well question, whether it makes not more against Presbyteries and Classes divine power of Excommunication, and a bare suspension, of

* See ruth triumphing over falshood p. 155. 156.

of scandalous persons from the Lords Supper only, without secluding them from all other Ordinances and Church Assemblies as well as it, then for them; it being contrary to the very definition & practise of *excommunication* hitherto knowne and used in the Church, to Excommunicate a notorious scandalous person from the Lord Supper only once a Moneth, a quarter, a yeare, for feare of infecting others, and yet to admit him daily or weekly to joyne with the Church in all other Ordinances but it alone: when all [a] *Schoolmen*, [b] *Canonists* resolve, that excommunication, especially that they call *Major Excommunication* excludes men, not only from the *Sacrament*, but likewise from entering into the Church, the society of men, prayers of the faithful; and those who wittingly keepe company, buy or sell with such, are to be *ipso facto* excommunicated. Whereas many now pretend it should seclude men from the Lords Supper only, but not from any other Ordinance, contrary to this, to *other Texts and all sound Antiquity*.

13y. Whether there be any ground or example at all in Scripture to enioyne the Civill Christian Magistrare, in cases of obstinacy, contumacy against Church censures, inflicted by Presbyteries or Congregations to become a meere servant and executioner to Presbyteries, Congregations or Church-Officers, (as the Pope and Prelates anciently made them.) to enforce obedience to their censures by imprisonment or other coercive meanes, without any particular examination of the merits of the cause, or justice of the proceedings? Whether such Ministeriall executions of their censures, if admitted, do not necessarily subject the people to a double jurisdiction, vexation for one & the selfesame scandalous crime, which may prove more intollerably oppressive to them then the most exorbitant contrary Committees, or *Prelats consistories*, if not exactly bounded & subordinat the *Majestray* to the *Ministry*, *Presbytery* and particular Congregations, in point of Authority? which if obliged by any divine Law to see Church censures executed and enforce obedience to them then certainly Christian Magistrates as such, must either be Church Officers as well as Ministers, or Lay-Elders; the rather because all Precepts given to *Majestrates* themselves in Scripture, are given only to such, * *Godly or Christian Majestrates who beleve, embrace the Scriptures*, and are Members of a visible Church or Christian state, as such; not to any Infidells or Heathen Majestrates, as heathenish, or meere Majestrates out of the Church (as some grossly mistake,) else they were not obliged by Gods Law to see Church censures executed, obeyed, submitted too, if no Church officers.

14lv. Whether it be not more agreeable to the word of God, the Rules of Justice and more conducing to the Churches Peace for the *Civill Majestrate* judicially to examine, punish, all pretended scandalous persons with temporall censures and then if they still continue impenitent to certifie the proofs taken before him to the Presbytrie, *Consistory* or Congregation, upon their request, for their conviction there to ground an Excommunication or suspension upon, if there bee cause: then to give them immediat power to examine all scandalls themselves upon Oath, without first acquainting the Civill Magistrare with it, or desiring his antecedent ex-

Allexan. A censur
sum. Titoli
pars 4. q. 21.
22. Solut in
4. Sent. dist. 22
Thomas, Ric-
cardus, Rain-
dardus, Duran-
dus, in 4. sent.
dist. 18. p. 2. Binf-
feldus enchir-
red Theoli-
pars 5. c. 1.
(b) Gratian
Caus. 11. qu.
3. Summa An-
gelica, & Ro-
jella. Tit. Ex-
communicatio
Hofstetters
Sum. l. 5. Tit.
De Sentent.
Excom. Anto-
ninus Cæsius
Tit. Excom.
Bochellus, De-
cret. Eccles.
Gall. 2. Tit.
14.
1 Thes. 3. 14.
1 Iohn 10. 11
2 Tim 3. 1. Tit
3. 19. 11. 3. c. 3
Iohn 10 Rom
16. 17 Iohn 9.
22. 3. 2. 3. cap.
12. 41. c. 16. 2.
Numb. 5. 1. 3.
4. c. 11 14. 15
Deut. 23. 1. 2. 3
** See Deut.*
17. 14. to 21
2 Sam 7. 8. c.
32. 1. 3.
1 Kings 17. 9
2 Chion. 9. 8
c. 19. 5. to 11.
2. c. 13.
Isay 49. 22.

amination of the scandalls, of purpose to subject them to Church censures? Since wee read of no such Examinations upon Oath practised by *Presbyteries*, *Church-Officers*, or particular Congregations among the Jewes or Christians in Scripture: which if taken in writing and recorded (as they ought to be, that so they may be produced, scanned upon Ap. peales) there must then be a particular *examiner*, or *Register* at least appointed in every *Presbyterie*, *Classis*, and *Provinciall Synod* to record them; for which they will expect a constant Fee from the Church or State, or an answerable recompence from the parties accusing or accused; which cannot be settled without *Act* or *Ordinance* of Parliament (being new Fees and Offices) and so it will draw a very great unnecessary charge (farre greater then that of Bishops and their Officials) upon the people, which they will very unwillingly beare. In which regard it is fittest the civill Majestrates or Justices of Peace should only take the Examinations, of scandalls as they do in cases of *Felony* and other crimes, and certify them to the *Presbyteries*, or *Classis*, as there shall be need.

15ly. Whether it be not both unjust and unreasonable to presse the Parliament to settle any kinde of Church-government as prescribed *Iure divino*, before it be clearly demonstrated or manifested to their Judgements consciences to be so, by perspicuous undeniable proofes from Scripture? Or to importune them to grant any unlimited arbitrary power to *Classes*, *Presbyteries*, or *Congregations*, to judge of unknowne contingent scandalls, (never yet thus censured from Adams or Christs dayes til now) before they can so much as conjecture what they are, or where ever they will bee perpetrated in our Churches? since offences always use to *h* precede *Laws* made to punish them; and *ex malis moribus optima oriuntur leges*, as all Politicians have resolved? Whether the demanding of such an unlimited power to be now established, be not as bad, yea more unreasonable then the late Prelates, &c. *Oath* (most justly damned declaimed against,) and favors not more of *wisfulness* then *Conscience*, of the spirit of *[i] Diotrophes*, then of *Christ*, of whose Kingdome some pretend it to bee a most necessary and inseperable Branch? And whether any Prophet, Apostle, Godly Presbyter, privat Congregation or *Classis*, in the primitive Church, ever solicited their *Princes* or *Parliaments* for such an exorbitant unlimited power?

16. Whether Christian Princes and Majestrates *k* indulging of over-much power, Honour, and Ecclesiasticall Authority in point of Jurisdiction, Church Censures, and Excommunication in former ages to the Clergy, under this apprehension, perswasion, that they were most pious, conscientious, holy, moderat, just and humble persons who would exercise it for Gods Glory only, and the Churches good; hath not beene the true Originall cause of all that *Antichristian Tyranny*, *Persecution*, *exorbitances*, of Popish Prelates, and Clergymen, which have over-spread, corrupted, infested the Church and people of God? And whether former examples of this kinde may not justly lesson us to beware of the like Error for the present; though our Ministers who claime this Ecclesiasticall Jurisdiction now contested for by a Divine Right be never so Godly, upright, discreet, humble, conscientious, since we know not what many of our Ministers, Elders, who must

cx.

h Levit. 24. 18.
to 27. Num.
15. 32. 37.

i 3 John 3. 9.
20. 11.

k See Instru
Cod. 1. 1. Tit.
7. De Episcopi
pali Audien
tia Capit. Ca.
roli et Ludo
vic Imp. l. 6.
cap. 301. 313.
314. 322. 323
326. 330. lib. 1
throughout.
Leges Wisi
goth l. 2. c. 29.
30.

exercise it in the Country are for the present; or what the best of them
all or their successors at least may prove for the ¹ future, (^m) *(ambition being mans first sinne and most pleasing to our corrupt Natures; as we see by the example of [u] Christs owne Apostles, and daily experiences every where)* especially when they have engrossed more Ecclesiasticall power into their hands by pretext of a Divine Right, then ever the expresse Law of God, or Christ Himselfe in his Gospell hath delegated to them. It is very observable, that while the (^o) Popes claimed their Papacy and Superiority over other Churches by grants and donations from the Christian Emperors of Rome, they were very humble, loyall, and obsequious to them. But after the long enjoyment of their transcendent jurisdiction by imperiall donations had so far puffed them up with pride, as by degrees to desert their true ancient claime, and challenge both their Papacy and Supremacy by a divine Right from Christ Himselfe, by wresting divers Scriptures to their purpose, (and some of those among others which our Divines now principally insist upon,) they presently cast off both their subjection & Loyalty to the Emperours at once; & so persecuted them with Excommunications, Interdicts suspensions, rebellions, force of Armes, and parties rayted against them in their owne Empires; that at last they quite trampled them under their feete, disposing of their Crownes at pleasure, making them sweare solemne homage to them as their Vassalls, and to hold their Imperiall Crownes from them alone, who formerly did homage to, and held their Bishopricks, with all the Papall Jurisdiction they enjoyed onely from them: Yea if our Presbyteries, Classes or Independent Congregations shall be admitted to hold and enjoy all the Ecclesiasticall Jurisdiction they now pretend to, by a Divine Right; and the Parliament their power, authority, only by a meer humane Institution, and not by as cleare a Divine Right as theirs; the next consequence I feare will be (and we see it already maintained in some [^x] *Presbyterians*, and more [^y] *Independents* printed Bookes;) That our Parliaments, Kings, and temporall Majestates must have nothing at all to do with Church Officers or Church Government by way of direction, correction, or appeale, but meerly as their subordinate Ministers, to ratifie their determinations, and enforce obedience to their censures; which if they neglect or refuse to doe, or stop their proceedings by any *Prohibitions*, or *legall course*, for ought I know, when their Divine pretended Authority is settled to their mindes, the next thing they shall heare of will bee; that which our Kings, Judges, and Officers did heretofore from our Clergy in Archbishop * *Boniface* his time, when they opposed their extravagances, even a serious admonition to obey their Dictates, and after that an *Interdiction of all their Lands, Castles, Townes*, with a suspension of them from the Sacrament, or excommunication from or Non-communion with their Congregations for this Contumacy: And then Lord have mercy upon us miserable sinners, we may sooner bewaile then remove that spiritual Yoak of bondage which we thus suffer voluntarily to be imposed both on our owne and others neckes. It being a very difficult taske and work of many ages to moderate, abate, regulate or suppress any Ecclesiasticall

Acts 20. 29.
2 King 8. 12.
Eccles. 2. 19.
1 Gen. 3. 5. 6.
3. Iohn 9. 10.
m Mar. 10. 20.
to 29. Luke 22.
24 to 31.
[u] See Philip de Morney his Mystery of iniquity, Carolus Molinæus, Commentar: in Edict: Henrici secundi, &c. contra parvas datas, &c. Abbas aspergenſes Platina & Balæus de viciis Pontificum Romanorum: Grimſon Imperiall History.
(x) Mr. Aubersford.
(y) Mr. Iohn Goodwin.
Master Henry Burton. Mr. Saltmarsh.
Mr. Robinson.
** Lindwade, Provinc. 1. 5. Tit. de Penis f. 226. 8 c. 10. de Alon cons. f. 138. to 142.*

Ecclesiastical jurisdiction, though never so exorbitant, especially if once legally settled, or but incroached by colour of a Divine Right, as was by the Papacy, and our late exploded Prelacy.

I shall therefore close up all with the Apostles seasonable advice, *Gal. 5:1* Stand fast therefore in the liberty wherewith Christ hath made us free and be not agains intangled with any Yoake of Bondage, which Christ himselfe hath not imposed on us by a cleare and evident institution in his word: *Christ's* * Yoake is easie, and his burthen light, to which all people must with cheerefulness submit: if the *Presbyterians* yoake, in suspending men from the Sacrament for all kind of supposed scandalls, though they professe unfained penitence for al their sins, & earnestly desire to receive it; or the *Independents* Yoak, in non-admitting or secluding those from their Congregations whom they judge not *real Saints*, or will not subscribe to their private Church Covenants. (without any expresse precept or president in Scripture, to warrant these their practises, proceedings) bee not such, we may justly suspect and reject them too, as none of Christs.



FINIS.



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